IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.64 OF 1994

Rajaram Maruti Dinde & ors. .. Applicants

versus

Sudhakar Rajaram Kulkarni & ors. .. Respondents

...

Mr.N.V. Bandiwadekar for the applicants.

Mr.C.G. Gavnekar for respondent nos.1, 2 & 4.

CORAM : D.G. KARNIK, J

DATED : 17th August 2006.

P.C.:

1. This Civil Revision Application is directed against the order dated 1st November 1993 passed by Addl. District Judge, Kolhapur.

2. The applicants had filed an appeal against the decree passed against them along with an application for condonation of delay bearing Misc. Civil Application no.203 of 1989. In the said delay

condonation application, he applicant did not take steps for service on the respondents. Therefore, by an order dated 1st November 1993, the Court dismissed the application for condonation of delay for default. That order is impugned in this Civil Revision Application.

3. Under the explanation added to section 115 of the Code of Civil Procedure revision application is not maintainable if the result of setting aside an order impugned in revision would not result in termination of the proceedings. If the order impugned in this revision application is set aside, it would not result in termination of any proceeding but it would result in the revival of the delay condonation application. In Rajaram Rahate Vs. Dinkar Ingole reported in 2002 (3) Mh.L.J. 921, this Court has held that such a revision application is not maintainable and the explanation to section 115 of the CPC applies even to the pending revision applications.

4. In the circumstances, the present revision application is not maintainable and is accordingly dismissed.

(D.G. KARNIK, J)